

The Gazette



of India

EXTRAORDINARY
PART II—Section 2
PUBLISHED BY AUTHORITY

No. 60] NEW DELHI, FRIDAY, DECEMBER 18, 1964/AGRAHAYANA 27, 1886

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 18th
December, 1964:—

BILL NO. 83 OF 1964

A Bill further to amend the Indian Penal Code, 1860

BE it enacted by Parliament in the Fifteenth Year of the
Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 1964. Short
title.

45 of 1860. 5 2. After section 298 of the Indian Penal Code, 1860, the following
new sections shall be added, namely:—

10 “298-A. Whoever voluntarily slaughters or kills any bovine animal whether domesticated or wild, such as an ox, bull, cow or calf, shall be punished with imprisonment of either description which may extend to ten years, and shall also be liable to fine. Volun-
tarily
slaughter-
ing or
killing
cow or
the like
animals.

Explanation.—The expression “bovine animal” does not include a *Gond*.

Keeping
in
possession
flesh of
killed or
slaugh-
tered
animals
as men-
tioned in
section
298-A.

Killing or
slaughtering
he
or she
buffalo.

Sale or
possession
of hide,
meat or
flesh of
Gond.

298-B. Whoever keeps in his possession flesh of any slaughtered animal mentioned in section 298-A above, knowing it or having reasons to believe that the flesh is of such an animal, shall be punished with imprisonment of either description for a term which may extend to one year and shall also be liable to fine which may extend to five hundred rupees. 5

298-C. Whoever voluntarily slaughters or kills any he or she buffalo shall be punished with fine which may extend to five times the price of the animal killed or slaughtered as determined by the Court. 10

298-D. Whoever—

(a) sells or has in his possession any untanned hide or meat or flesh of a *Gond*, or,

(b) brings into or has in his possession, within any town the carcass of a *Gond*, shall be punished with im- 15
prisonment of either description for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

Explanation.—The word “town” for the purposes of clause (b) means a town or a locality which for the time being, is the 20
headquarters of a Tehsil.”

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to prohibit the general slaughter of animals in the country. In order to preserve milch cows, bullocks etc., which are useful for the agricultural development of the country it is necessary to make provision for their preservation in the Indian Penal Code.

Hence the Bill.

NEW DELHI;

The 14th November, 1964.

GOPAL DUTT MENGI.

BILL No. 81 OF 1964

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short
title
and
commen-
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1964.

(2) It shall come into force on such a date, not being later than four years from the passing of this Act, as the Central Government may, by notification in the Official Gazette, appoint. 5

Amend-
ment of
articles
1, 2, 3
and 4.

2. For articles 1, 2, 3 and 4 of the Constitution, the following shall be substituted, namely:—

"India, that is Bharat, shall be one consolidated unit exercising absolute and undivided sovereignty with full and unhindered powers of Government, in all branches of administration: 10

Provided that for the sake of administrative convenience, it shall be lawful for Parliament to constitute Regional Committees of homogenous regions, and define their respective areas and names and delegate such powers and functions to them or to any one or more of them as Parliament may from time to time deem fit." 15

3. The consequential and incidental amendments and repeals directed in Schedules A and B of this Act shall be made in the Constitution and its Schedules.

4. The articles of the Constitution shall be renumbered accordingly.

5

Schedule A

(See Section 3)

The following amendments shall be made in the Constitution of India:—

1. For article 12 of the Constitution, the following shall be substituted:—

“In this Part, unless the context otherwise requires, ‘the State’ includes the Government and Parliament of India, the Regional Committees constituted under article 1 and all local or other authorities within the territory of India or under the control of the Government of India.”

Amendment of article 12.

2. The following shall be omitted:—

(1) Clause (2) of article 13.

(2) Following words from clause (3) of article 16:—

“Under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union Territory”.

(3) Clause (3) of article 31.

(4) The proviso to article 31-A.

(5) Following words from article 34, namely:—

“in the service of the Union or of a State or any other person”.

(6) Article 35.

(7) Sub-clause (a) of clause (3) of article 53.

(8) Sub-clause (b) of article 54.

(9) Clauses (1) and (2) and Explanation of article 55.

(10) “Government of any State”, “Governor of any State”, “Legislature of any State”, or “Governor”, “Minister of any State”, “Chief Minister in any State”, wherever any of these occur.

(11) Clause (3) of article 72.

(12) Clause (2) and proviso to clause (1) of article 73.

- (13) Clause (2) of article 101.
- (14) Article 131.
- (15) In articles 149 and 150, the words "and of the States".
- (16) Clause (2) of article 151.
- (17) Articles 152 to 213. 5
- (18) Explanation to article 220.
- (19) Articles 230, 231, and 232.
- (20) The words "the State of" in clause (2) of article 244.
- (21) Articles 245 to 263.
- (22) In article 266, from clause (1), the words, namely:— 10

'and all revenues received by the Government of a State, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all money received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consoli- 15
dated Fund of the State"; and

In clause (2), the words, namely:—

"or the Government of a State" and "or the public account of the State, as the case may be".

In clause (3), the words, namely:— 20

"or the Consolidated Fund of a State".

- (23) Clause (2) of article 267.
- (24) Articles 268 to 280.
- (25) Clause (2) of article 283.
- (26) In article 284, all references regarding State. 25
- (27) In article 285, all references regarding State.
- (28) Articles 286 to 290A.
- (29) Article 293.
- (30) In article 294(a), the words, namely:—
- (a) "and the corresponding State"; 30
- (b) "and the Government of each corresponding State".
- (31) Article 295.
- (32) Article 296, the words, namely:—

"if it is property situate in a State, vest in such State, and shall, in any other case"; and 35
"in that State".

(33) In article 298, the words, namely:—

“and of each State”, and Provisos (a) and (b).

(34) In article 299, the words, namely:—

“or of a State”, “or by the Governor of the State, as the case may be”, “or the Governor”; and “nor the Governor”.

(35) In article 300, the words, namely:—

“by the name of the Union of India and the Government of a State may sue or be sued by the name of the State”; and
“or of the Legislature of such States”.

(36) In article 302, the words, namely:—

“between one State and another or within any part of the territory of India.”

(37) Articles 303, 304 and 305.

(38) In article 307, the figures “303 and 304”.

(39) Article 308.

(40) Article 310(1), the words, namely:—

“and every person who is a member of a Civil Service of a State or holds any civil post under a State holds office during the pleasure of the Governor of the State”; and

Article 310(2), namely:—

(i) “under the Union or a State”;

(ii) “or, as the case may be, of the Governor of the State”;

(iii) “of the Union or a State”; and

(iv) “or the Governor, as the case may be”.

(41) In article 311 (1), the words, namely:—

“of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State”; and

In article 311(2) (c), namely:—

“or Governor, as the case may be”.

(42) In article 312(1), the words, namely:—

“common to the Union and the States”.

(43) In article 313, the words, namely:—

“as an all-India service or as service or post under the Union or a State”.

(44) In article 314, the words, namely:—

“of India or of a State”; and “of India and the Government of the State”.

(45) In article 315 (1), the words, namely:—

“for the Union and a Public Service Commission for each State”; and

article 315 (2), (3), (4) and (5).

(46) In article 316(1), the words, namely:—

“in the case of the Union Commission or a Joint Commission”; and

“and in the case of a State Commission, by the Governor of the State”;

In article 316(2), namely:—

“in the case of the Union Commission”;

“and in the case of a State Commission or a Joint Commission, the age of sixty years”; and in Proviso (a),

“in the case of the Union Commission or a Joint Commission”; and

“and in the case of a State Commission, to the Governor of the State”;

(47) In article 317 (2), the words, namely:—

“in the case of the Union Commission or a Joint Commission, and the Governor, in the case of a State Commission”; and

In article 317 (4), namely:—

“or the Government of a State”.

(48) In article 319(c), the words, namely:—

“Union”; and

“or as the Chairman of a State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State”.

(49) In article 320(1), the words, namely:—

“Union and the State”;

In article 320 (2) and article 320 (3), namely:—

“Union”; and

“or the State Public Service Commission, as the case may be”;

Article 320 (3) (c), namely:—

“or the Government of a State”;

Article 320 (3) (d):—

“out of the Consolidated Fund of the State”; and

5 “or, as the case may be, the Governor of the State”; and

In proviso, |

“and the Governor, as respects other services and posts
in connection with the affairs of a State”; and

In article 320 (5), namely:—

10 “or the Governor of a State”;

“or the House or each House of the Legislature of the
State, as the case may be”; and

“or the House or both Houses of the Legislature of the
State”.

15 (50) In article 321, the words, namely:—

“or, as the case may be, the Legislature of a State”;
“Union”; and

“or the State Public Service Commission as respects the
services of the Union or the State”.

20 (51) In article 322, the words, namely:—

“Union or a State”; and

“or, as the case may be, the Consolidated Fund of the
State”.

(52) In article 323 (1), the words, namely:—

25 “Union”, and

article 323 (2).

(53) Article 328.

(54) In article 329 (a), the words and figure:—

“or article 328”.

30 (55) Articles 330 to 338, both inclusive.

(56) Article 339 (2).

(57) In article 340 (1), the words, namely:—

“or any State”.

(58) In article 341 (1), the words, namely:—

35 “with respect to any State (or Union territory), and
where it is a State, after consultation with the Governor
thereof”.

(59) Proviso of article 345.

(60) In article 348:—

(1) (b) (i), the words:—

“or in the House or either House of the Legislature of a State”;

5

(1) (b) (ii),

“or the Legislature of a State”;

“or the Governor of a State”; and

(1) (b) (iii),

“or the Legislature of a State”; and

10

Clauses (2) and (3).

(61) In article 350, the words:—

“or a State”; and

“or in the State as the case may be”.

(62) In article 350 (b) (2), the words:—

15

“and sent to the Governments of the States concerned”.

(63) Articles 353, 355, 356, 357 and 358.

(64) In article 360:—

clause (3);

in clause (4), omit sub-clause (a).

20

(65) In article 361:—

Clause (1),—

“or the Governor or Rajpramukh of a State”;

“or the Government of a State”;

Clauses (2), (3) and (4):—

25

“or the Governor of a State”;

“or as Governor of such State”;

“or the Governor as the case may be”.

(66) In article 362, the words:—

“or of the Legislature of a State; and

“or of a State”.

30

(67) In article 364, the words:—

“or by the Legislature of a State”.

(68) Article 365.

(69) In article 366,—

clause (7);

in clause (9), the words,

“or the Legislature of a State”;

in clause (14), the words,

“for any State”;

in clause (19), the words:—

“or as the case may be, the Official Gazette of a State”.

(70) In article 367(2), the words:

“or to Acts or laws of, or made by, the Legislature of a State;”

“or to an Ordinance made by a Governor, as the case may be”.

(71) Proviso to article 368.

(72) Articles 369, 370 and 371.

(73) Articles 374 (4) and 376.

(74) In article 378, omit the words:—

“for the corresponding State or the members of the Joint State Public Service Commission serving the needs of the corresponding States, as the case may be.”

(75) Article 378A.

(76) In the Second Schedule, Part A:—

(1) In the heading omit the words:—

“and the Governors of States”;

(2) In para 2, omit the words:—

“and to the Governors of the States”; and

“and to the Governors of the corresponding Provinces”;
and

(3) In para 3, omit the words:—

“and the Governors of the States”; and

“and the Governors of the corresponding Provinces”;

(4) In para 4, omit the words:—

“or any person is discharging the functions of the Governor;”

“or the Governor”.

(77) In the Second Schedule, Part C, omit para 8.

(78) In the Second Schedule, Part D, in para 10(2), omit the words:—

“in the corresponding State under clause (1) of article 376”;

5

“in the corresponding State under the said clause”;

Omit para 10 (3).

(79) In the Third Schedule, omit items V, VI and VII.

(80) Fourth, Fifth, Sixth and Seventh Schedules.

Schedule B

10

1. The word “India” shall be substituted for the words or word, “the Union” or “Union” wherever they occur.

2. For sub-clause (b) of clause (1) and clauses (2), (4) and (5) of article 80, the following shall be substituted:—

“(b) one member for each of the regional Committees constituted under article 1 of this Act.”

15

3. For clauses (1) and (2) of article 81 and article 82, the following shall be substituted:—

“Subject to the provisions of article 331, the House of the People shall consist of 520 members chosen by direct election from territorial constituencies into which from time to time regions mentioned in article 1 shall be divided in such a manner that the population shall, as far as practicable, be the same for each constituency:

20

Provided that wherever necessary a constituency may be formed of contiguous and homogenous areas of more than one region.”

25

4. For article 214, the following shall be substituted:—

“214. There shall be a High Court for one or more regions and there shall be no region which will not be subject to the jurisdiction of a High Court.”

30

5. In the following articles, or clauses or sub-clauses for the words in Col. 1 substitute the words in Col. 2.

COLUMN 1

COLUMN 2

	(1) Article 300:	
	“Union of India”	“Government of India”
	“The corresponding State”	“Government of India”
5	(2) Article 309:	
	(i) “Acts of the appropriate Legislature.”	“Acts of Parliament”
	(ii) “the affairs of the Union or of any State”	“the affairs of Government of India”.
10	(iii) “in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State” (in the proviso).	nil [Will be omitted.]
15	(iv) “such” in line 7 of the proviso.	nil [Will be omitted.]
20	(v) “under an Act of the appropriate Legislature”	“under an Act of Parliament”.
	(3) Article 318:	
25	“in the case of a State Commission the Governor of the State may by regulations”	“The President may by regulation”.
	(4) Article 319(a):	
30	“The Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government of a State.”	“the Chairman of the Public Service Commission shall be ineligible for the employment under the Government of India.”
	(5) Article 320(1):	
35	“of the Union and the services of the State respectively”.	“of the Government”
	In Proviso:—	“of the Government”.
	“of the Union”.	
	(6) Article 324(1):	
40	“to the Legislature of every State”.	“to every other body”.
	For article 324(4):	
45		“Before each general election to the House of the People the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may deem necessary”.

COLUMN 1	COLUMN 2
Article 324(6):	
“or the Governor of a State”.	“chief executive authority of the Regional Committee”.
(7) Article 325:	5
“or to the House or either House of the Legislature of a State”.	“or to the Regional Committees”.
(8) Article 326:	
(i) “to the Legislative Assembly of every State”.	“to the Regional Committees”.
(ii) “made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature”.	10
(9) Article 327:	15
“or to the House or either House of the Legislature of a State”.	“to the Regional Committees”.
(10) Article 329(b):	
(i) “to the House or either House of the Legislature of a State”.	“to the Regional Committees”. 20
(ii) “by the appropriate Legislature”.	“by Parliament”.
(11) Article 432(1):	
“in relation to that State [or Union territory, as the case may be]”.	“in any specified region”. 25
(12) Articles 343, 344, 346 and 347:—	
“The Union”.	“Central Government in various Branches of Administration” 30
“State”.	“Region”.
(13) Article 345:	
“Legislature of a State may by law adopt”.	“Regional Committee may adopt”. 35
(14) Articles 346 and 347:	
“State” or “States”.	“Region” or “Regions”.
(15) Article 350A:	
“State”.	“Region”.

	COLUMN 1	COLUMN 2
	(16) Article 362: "of the Union".	"of the Government".
5	(17) Article 366(20)(b): "State".	"Region".
	(18) Article 372(1): "by a competent Legislature".	"by Parliament".
	Explanations to article 372: "by a Legislature".	"by Parliament".
10	(19) In Second Schedule, Part A: "for the whole of para 1".	"There shall be paid to the President emolument of Rs. 10,000 per mensem."

STATEMENT OF OBJECTS AND REASONS

Conversion of what were originally provinces of India into States, has brought with it a train of fissiparous tendencies of ever increasing volume and magnitude and various problems of grave anxieties. The attitude of divided loyalty which it is creating, namely, loyalty to one's State versus loyalty to India—is but the natural outcome of this. All these things are rapidly tending to endanger the very solidarity of India. And at a crucial moment of world consternation, the defence of India may be in jeopardy and some of the constituent States now forming the Union of India may like to become full-fledged States with full sovereignty and complete independence.

2. The one sure way of national integration is to take away the very incentive, the very germ that breeds disintegrating mentality. There is no doubt that it is already late and the disease is taking root. But it will be almost impossible in a few years time when some of our trusted leaders who are in the fullness of their power and prestige will not be amongst us.

3. The recent events have shown with greater force the need of an all powerful Central Government for India as a whole. The threat of China, the attitude of the hill districts of Assam, have but one lesson for the people of India. The bond of unity should be one complete and not dissected—namely cent per cent loyalty to Bharat.

4. The cost of administration will be greatly reduced. There will then be no State and all the costly paraphernalia of the various States will vanish.

5. The object of this Bill is to ensure the solidarity of India, to rob major incentive to disruption and to ensure undivided loyalty in the hearts of the people for the Indian nation.

6. Clause 2 of the Bill is the essential part of this Bill and the rest are all ancillary thereto.

NEW DELHI; |

PRAKASH VIR SHASTRI.

The 18th November, 1964. |

S. L. SHAKDHER,
Secretary.